

**BEFORE THE
STRUCTURAL PEST CONTROL BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 2015-33

**SOUTHLAND PEST CONTROL;
MARCELO D. GALLO-ROSERO,
SHAMIRAN K. GALLO
2900 Adams Street, Suite A-14
Riverside, CA 92504
Company Registration Certificate No. PR
6434, Branch 2 and Branch 3**

OAH No. 2015030425

**Mailing:
P.O. Box 5206
Riverside, CA 92517;**

**SOUTHLAND PEST CONTROL
MARCELO D. GALLO-ROSERO,
PARTNER/FIELD REPRESENTATIVE
2900 Adams Street, Suite A-14
Riverside, CA 92504
Field Representative No. FR 43039, Branch
2 and Branch 3**

**Mailing:
P.O. BOX 5206
Riverside, CA 92517;**

**SOUTHLAND PEST CONTROL;
SHAMIRAN K. GALLO, PARTNER/
APPLICATOR
2900 Adams Street, Suite A-14
Riverside, CA 92504
Applicator License No. RA 52115, Branch 2
and Branch 3**

**Mailing:
P.O. BOX 5206
Riverside, CA 92517;**

**PATRICK SULLIVAN MILLER
SOUTHLAND PEST CONTROL,
QUALIFYING MANAGER
2900 Adams Street, Suite A-14
Riverside, CA 92504
Operator License No. OPR 11816, Branch 2
Field Representative License No. FR 47727,
Branch 3**

Mailing:
750 Via Pueblo, Unit #208
Riverside, CA 92507;

EFREM THOMAS ALVAREZ
SOUTHLAND PEST CONTROL,
QUALIFYING MANAGER
2900 Adams Street, Suite A-14
Riverside, CA 92504
Operator License No. OPR 12669, Branch 3

Mailing:
750 Breeze Hill Road, Unit #75
Vista, CA 92081;

and

ROBERT FRANK ELLETT
6263 Cosmos Street
Corona, CA 92880
Operator License No. OPR 10599, Branch 3


Respondents.

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order, as to Respondent Efrem Thomas Alvarez only, is hereby adopted by the Structural Pest Control Board, Department of Consumer Affairs, as its Decision in this matter.

The Decision shall become effective on March 3, 2016.

IT IS SO ORDERED February 2, 2016



FOR THE STRUCTURAL PEST CONTROL BOARD
DEPARTMENT OF CONSUMER AFFAIRS

1 KAMALA D. HARRIS
Attorney General of California
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Supervising Deputy Attorney General
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Attorneys for Complainant
7

8 **BEFORE THE**
STRUCTURAL PEST CONTROL BOARD
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 2015-33

11 **SOUTHLAND PEST CONTROL;**
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13 **SHAMIRAN K. GALLO**
2900 Adams Street, Suite A-14
14 Riverside, CA 92504
Company Registration Certificate No. PR
6434, Branch 2 and Branch 3
15

OAH No. 2015030425
STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER RE:

EFREM THOMAS ALVAREZ

16 **Mailing:**
P.O. Box 5206
17 Riverside, CA 92517;

18 **SOUTHLAND PEST CONTROL**
19 **MARCELO D. GALLO-ROSERO,**
20 **PARTNER/FIELD REPRESENTATIVE**
2900 Adams Street, Suite A-14
21 Riverside, CA 92504
Field Representative No. FR 43039, Branch
2 and Branch 3

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P.O. BOX 5206
23 Riverside, CA 92517;

24 **SOUTHLAND PEST CONTROL;**
25 **SHAMIRAN K. GALLO, PARTNER/**
APPLICATOR
2900 Adams Street, Suite A-14
26 Riverside, CA 92504
Applicator License No. RA 52115, Branch 2
27 and Branch 3
28

1 Mailing:
2 P.O. BOX 5206
3 Riverside, CA 92517;

4 PATRICK SULLIVAN MILLER
5 SOUTHLAND PEST CONTROL,
6 QUALIFYING MANAGER
7 2900 Adams Street, Suite A-14
8 Riverside, CA 92504
9 Operator License No. OPR 11816, Branch 2
10 Field Representative License No. FR 47727,
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12 Mailing:
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14 Riverside, CA 92507;

15 EFREM THOMAS ALVAREZ
16 SOUTHLAND PEST CONTROL,
17 QUALIFYING MANAGER
18 2900 Adams Street, Suite A-14
19 Riverside, CA 92504
20 Operator License No. OPR 12669, Branch 3

21 Mailing:
22 750 Breeze Hill Road, Unit #75
23 Vista, CA 92081;

24 and

25 ROBERT FRANK ELLETT
26 6263 Cosmos Street
27 Corona, CA 92880
28 Operator License No. OPR 10599, Branch 3

Respondents.

IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-entitled proceedings that the following matters are true:

PARTIES

1. Susan Saylor (Complainant) is the Registrar/Executive Officer of the Structural Pest Control Board. She brought this action solely in her official capacity and is represented in this

1 matter by Kamala D. Harris, Attorney General of the State of California, by Langston M.
2 Edwards, Deputy Attorney General.

3 2. Respondent Efreem Thomas Alvarez (Respondent Alvarez) is representing himself in
4 this proceeding and has chosen not to exercise his right to be represented by counsel.

5 3. On or about March 14, 2014, the Structural Pest Control Board issued Operator
6 License No. OPR 12669 in Branch 3 to Respondent as an employee of Respondent Southland.
7 On or about May 8, 2014, Operator License No. OPR 12669 became the Branch 3 Qualifying
8 Manager (QM) of Respondent Southland. Operator License No. OPR 12669 was in full force and
9 effect at all times relevant to the charges brought herein and will expire on June 30, 2016, unless
10 renewed.

11 4. On or about June 9, 2005, the Structural Pest Control Board issued Operator License
12 No. OPR 11122 in Branch 3 to Respondent Alvarez. Operator License No. OPR 11122 was
13 cancelled on June 30, 2010.

14 5. On or about February 17, 2000, the Structural Pest Control Board issued Field
15 Representative License No. FR 31913 in Branch 3 to Respondent Alvarez. On or around June 18,
16 2004, Field Representative License No. FR 31913 was upgraded to include Branches 2 and 3. On
17 or around June 9, 2005, Field Representative License No. FR 31913 was downgraded to Branch 2
18 only due to the issuance of a Branch 3 Operator's license. Field Representative License No. FR
19 31913 was cancelled on March 6, 2008 due to the issuance of a Branch 2 Operator license.

20 6. On or about June 7, 1993, the Structural Pest Control Board issued Field
21 Representative License No. FR 22101 in Branch 3 to Respondent Alvarez. Field Representative
22 License No. FR 22101 was cancelled on June 30, 1998.

23 7. On or about January 10, 2003, the Structural Pest Control Board issued Applicator
24 License No. RA 22183 in Branch 2 to Respondent Alvarez. Applicator License No. RA 22183
25 was cancelled on June 18, 2004 due to the issuance of a Branch 2 Field Representative license.

26 8. On or about November 5, 1999, the Structural Pest Control Board issued Applicator
27 License No. RA 13587 in Branch 3 to Respondent Alvarez. Applicator License No. RA 13587
28

1 was cancelled on February 17, 2000 due to the issuance of a Branch 3 Field Representative
2 license.

3 9. On or about February 5, 1996, the Structural Pest Control Board issued Applicator
4 License No. RA 2899 in Branch 2 to Respondent Alvarez. Applicator License No. RA 2899 was
5 cancelled on February 5, 1999.

6
7 **JURISDICTION**

8 10. Accusation No. 2015-33 was filed before the Structural Pest Control Board (Board),
9 Department of Consumer Affairs, and is currently pending against Respondent. The Accusation
10 and all other statutorily required documents were properly served on Respondent on January 7,
11 2015. Respondent timely filed its Notice of Defense contesting the Accusation.

12 11. A copy of Accusation No. 2015-33 is attached as **Exhibit A** and incorporated herein
13 by reference.

14
15 **ADVISEMENT AND WAIVERS**

16 12. Respondent has carefully read, and understands the charges and allegations in
17 Accusation No. 2015-33. Respondent has also carefully read, and understands the effects of this
18 Stipulated Settlement and Disciplinary Order.

19 13. Respondent is fully aware of its legal rights in this matter, including the right to a
20 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at
21 its own expense; the right to confront and cross-examine the witnesses against them; the right to
22 present evidence and to testify on its own behalf; the right to the issuance of subpoenas to compel
23 the attendance of witnesses and the production of documents; the right to reconsideration and
24 court review of an adverse decision; and all other rights accorded by the California
25 Administrative Procedure Act and other applicable laws.

26 14. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
27 every right set forth above.

1 CULPABILITY

2 15. Respondent admits the truth of each and every charge and allegation in Accusation
3 No. 2015-33.

4 16. Respondent agrees that his Operator License No. OPR 12669 is subject to discipline
5 and he agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order
6 below.

7
8 CONTINGENCY

9 17. This stipulation shall be subject to approval by the Structural Pest Control Board.
10 Respondent understands and agrees that counsel for Complainant and the staff of the Structural
11 Pest Control Board may communicate directly with the Board regarding this stipulation and
12 settlement, without notice to or participation by Respondent. By signing the stipulation,
13 Respondent understands and agrees that they may not withdraw its agreement or seek to rescind
14 the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt
15 this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall
16 be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action
17 between the parties, and the Board shall not be disqualified from further action by having
18 considered this matter.

19 18. The parties understand and agree that Portable Document Format (PDF) and facsimile
20 copies of this Stipulated Settlement and Disciplinary Order, including Portable Document Format
21 (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

22 19. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
23 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
24 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
25 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary
26 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
27 writing executed by an authorized representative of each of the parties.
28

20. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Operator License No. OPR 12669 issued to Respondent Efrem Thomas Alvarez (Respondent) is suspended. However, the suspension is stayed and Respondent is placed on probation for one (1) year on the following terms and conditions.

1. **Obey All Laws.** Respondent shall obey all federal, state and local laws and all laws and rules relating to the practice of structural pest control.

2. **Quarterly Reports.** Respondent shall file quarterly reports with the Board during the period of probation.

3. **Tolling of Probation.** Should Respondent leave California to reside outside this state, Respondent must notify the Board in writing of the dates of departure and return. Periods of residency or practice outside the state shall not apply to reduction of the probationary period.

4. **Notice to Employers.** Respondent shall notify all present and prospective employers of the decision in Case No. 2015-33 and the terms, conditions and restrictions imposed on Respondent by said decision.

Within 30 days of the effective date of this decision, and within 15 days of Respondent undertaking new employment, Respondent shall cause his employer to report to the Board in writing acknowledging the employer has read the decision in Case No. 2015-33.

5. **Notice to Employees.** Respondent shall, upon or before the effective date of this decision, post or circulate a notice to all employees involved in structural pest control operations which accurately recite the terms and conditions of probation. Respondent shall be responsible for said notice being immediately available to said employees. "Employees" as used in this provision includes all full-time, part-time, temporary and relief employees and independent contractors employed or hired at any time during probation.

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6. **Completion of Probation.** Upon successful completion of probation, Respondent's license will be fully restored.

7. **Violation of Probation.** Should Respondent violate probation in any respect, the Board, after giving Respondent notice and an opportunity to be heard, may revoke probation and carry out the disciplinary order which was stayed. If a petition to revoke probation is filed against Respondent during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Operator License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Structural Pest Control Board.

DATED:

July 21, 2015


IRENA THOMAS ALVAREZ
Respondent

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Dated: July 21, 2015

KAMALA D. HARRIS
Attorney General of California
ARMANDO ZAMBRANO
Supervising Deputy Attorney General

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